

## AGREEMENT

Made this 4 day of July 1999, by and between Lebar, Inc., t/a Albert's, (the Applicant), and Advisory Neighborhood Commission 6B (the ANC) and Gottlieb Simon, ANC 6B Executive Director, (the Protestants).

## WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "A" license for premises, 326-328 Kentucky Ave. SE, ABC Application #342, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "A" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

WHEREAS, Applicant declares that ending the sale of single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately <sup>20</sup> % of the Applicant's sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will make his best efforts to prevent loitering and panhandling within 100 feet of the establishment by:
  - a. maintaining a No Loitering/No Panhandling" sign on the outside of the establishment; and,
  - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
  - c. asking loiterers to move on whenever they are observed outside the establishment; and,
  - d. calling the MPD <sup>if see illegal conduct</sup> to remove the loiterers if they refuse Applicant's request to move on; and,
  - e. keeping a written record of dates and times when the MPD is called for assistance; and,
  - f. not installing new outdoor payphones outside the establishment, and by opposing the efforts of any other party to install an <sup>additional</sup> outdoor payphone on or adjacent to the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
  - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if needed.
  - b. sweeping the outside of the establishment on a daily basis, or more often if needed.
3. Applicant will not sell or provide single cups or single servings of ice.
4. Applicant will maintain the interior and exterior in a clean, well-painted and graffiti-free condition.
5. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.

6. In consideration of, and reliance upon, the commitments reflected in paragraphs 1-5, the Protestants hereby withdraw their opposition to the applicant's pending license application.
7. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the Protestants to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

By: 

PROTESTANTS:

By: 

X

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of :**

LeBar, Inc.

t/a Albert's Liquor Store

Application for a Retailer's License

A - renewal

at premises

326-328 Kentucky Avenue, S.E.

Washington, D.C.

Case No. 342-99056P

**Peter Waldron, Chair, on behalf of Advisory Neighborhood Commission 6B, and Gottlieb Simon, Executive Director, Advisory Neighborhood Commission 6B, Protestants**

**Leon Friedman, President, on behalf of Applicant**

**BEFORE: Roderic L. Woodson, Esquire, Chair**

**Vera Abbott, Member**

**Allen Beach, Member**

**Ellen Oppenheimer, Esquire, Member**

**Max Salas, Member**

**Joseph Wright, Member**

**ORDER ON WITHDRAWN PROTEST**

The application, having been protested, came before the Board for public hearing on May 12, 1999, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestants to be heard. Peter Waldron, Chair, on behalf of Advisory Neighborhood Commission 6B, and Gottlieb Simon, Executive Director, Advisory Neighborhood Commission 6B, filed a timely protest letters dated April 15, 1999.

The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated July 14, 1999, the protestants have agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

Accordingly, it is this 6<sup>th</sup> day of July 1999, **ORDERED** that:

Lebar, Inc.  
t/a Albert's Liquor  
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1. The protests of Peter Waldron, Chair, on behalf of Advisory Neighborhood Commission 6B, and Gottlieb Simon, Executive Director, Advisory Neighborhood Commission 6B, be, and the same hereby, are **WITHDRAWN**;

2. The application of Lebar, Inc. t/a Albert's Liquor Store for a retailer's class A license (renewal) at premises 326 Kentucky Avenue, S.E., Washington, D.C., be, and the same hereby, is **GRANTED**;

3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**; and,


4. Copies of this Order shall be sent to the Protestants and the Applicant.


District of Columbia  
Alcoholic Beverage Control Board

Roderic L. Woodson, Esquire, Chair

  
Vera Abbott, Member

  
Allen Beach, Member

  
Ellen Oppenheimer, Esquire, Member

  
Max Salas, Member

Joseph Wright

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AGREEMENT

Made this 7<sup>th</sup> day of May 2001, by and between Lebar, Inc., t/a Albert's Liquor Store, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "A " license for premises, 326-328 Kentucky Ave. SE, ABC Application #342, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to improve their existing agreement regarding the use of a Retailers' Class "A" Liquor License at the subject premises;

NOW, THEREFORE, the parties agree to amend their existing agreement by adding the following:

Amendment #1. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") only in clear or translucent plastic bags.

In consideration of, and reliance upon, the commitment in Amendment #1 above, the ANC hereby withdraws its opposition to the applicant's pending license application.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: 

By: 

BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

**In the Matter of:**

Lebar, Inc.

T/a Albert's Liquors

Application for a Retailer's

Class A - renewal

at premises

326 Kentucky Avenue, SE

Washington, DC 20003

Case No. 342-01/057P

**Kenan P. Jarboe, Chairperson, Advisory Neighborhood Commission 6B (ANC 6B),  
Protestant**

**Leon Friedman, President, Applicant**

**BEFORE: RODERIC L. WOODSON, ESQUIRE, CHAIR  
VERA M. ABBOTT, MEMBER  
CHARLES A. BURGER, MEMBER  
LAURIE COLLINS, MEMBER  
JUDY A. MOY, MEMBER  
ELLEN OPPER-WEINER, ESQUIRE, MEMBER  
AUDREY E. THOMPSON, MEMBER**

**ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT**

This matter, having been protested, was scheduled for a roll call hearing on May 30, 2001, in accordance with D.C. Code Section 25-115(c)(5) (1999 Supp.), providing for the protestants to be heard. The Board received a timely protest letter from Kenan P. Jarboe, ANC 6B, dated May 15, 2001.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement, dated May 30, 2001, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

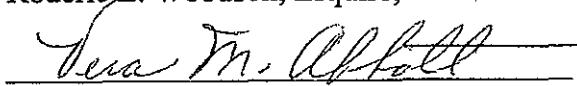
Lebar, Inc.  
T/a Albert's Liquors  
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Accordingly, it is this 18<sup>th</sup> day of July 2001, **ORDERED** that:

1. The opposition of Kenan P. Jarboe, ANC 6B, be, and the same hereby is **WITHDRAWN**;
2. The application of Lebar, Inc., t/a Albert's Liquors, for a retailer's class A license (renewal) at premises 326 Kentucky Avenue, SE, Washington, DC, 20003, be, and the same hereby, is **GRANTED**; and
3. The above-referenced agreement between the parties, be, and the same hereby is **INCORPORATED** and part of this **ORDER**; and;
4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL  
BOARD

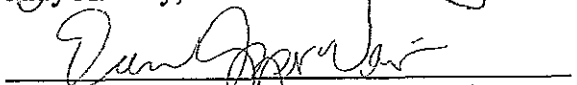
  
Roderic L. Woodson, Esquire, Chair

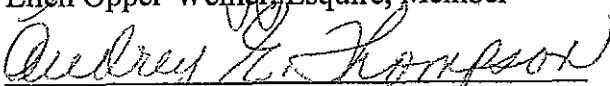
  
Vera M. Abbott, Member

  
Charles A. Burger, Member

  
Laurie Collins, Member

  
Judy A. Moy, Member

  
Ellen Oppenheimer, Esquire, Member

  
Audrey E. Thompson, Member